

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ALBERT WOODS and NARDA WOODS,

Plaintiffs,

v.

No. 16-cv-1041 LAM/SMV

**UNITED STATES OF AMERICA,
JAMES WELLS, and JOSHUA CERNA,**

Defendants.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. Plaintiffs filed their Complaint on September 20, 2016. [Doc. 1]. Plaintiffs had 90 days from filing the Complaint or until December 19, 2016, to effect service of process. Fed. R. Civ. P. 4(m) (2015). That date has passed. Although Plaintiffs attempted to serve the United States via its Attorney General in Washington, D.C., on September 27, 2016, [Doc. 5], service on the Attorney General alone is not sufficient; the United States Attorney for the relevant district must also be served. Fed. R. Civ. P. 4(i); *Constein v. United States*, 628 F.3d 1207, 1213 (10th Cir. 2010). There is no indication on the record that Plaintiffs have served the relevant United States Attorney. Thus, Plaintiffs have failed to effectuate timely service on the United States.

IT IS THEREFORE ORDERED that Plaintiffs show good cause why their claims against Defendant United States should not be dismissed without prejudice for failure to comply with the service provision of Rule 4(m). *See Espinoza v. United States*, 52 F.3d 838, 841 (10th Cir. 1995). Plaintiffs must file their response no later than **January 19, 2017**.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge